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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,265	02/06/2004	Simone Grandi	024931-00020	4455

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ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,265

Applicant(s)

GRANDI ET AL.

Examiner

David L. Sorkin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, recitation of "at least one homogenization device" followed by recitation of "at least two distinct homogenization devices" is confusing. The phrase "said valve wherein comprises" is also confusing.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartnik (US 2,957,496). Bartnik ('496) discloses a valve comprising an outer case (10); a homogenization mechanism contained in the outer case and having at least one homogenization device; said at least one homogenization device defining a high pressure chamber in communication with a channel (portion 23 of 11) for feeding a fluid under high pressure to be homogenized, a low pressure chamber in communication with a channel (portion 24 of 12) for discharging the homogenized fluid under low pressure; said high pressure chamber being in communication with said low pressure

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chamber through a port for the blow-by of said fluid (see Fig. 2); said valve wherein comprises at least two distinct homogenization devices (three sets of 32,39) connected with a same feeding channel (11) and with a same discharge channel (12). Regarding claim 2, said homogenization devices have cylindrical shape and are circumferentially positioned about a central axes distanced from each other by 120 degrees (see Fig. 1).

Regarding claim 6, the homogenization devices are connected to the feeding channel by means of radial union fittings facing said feeding channel in positions that are circumferentially distanced from each other by 120 degrees (see Figs. 1 and 2).

Regarding claim 7, the homogenization devices are connected to the discharge channel by means of axial union fittings facing said feeding channel in positions that are circumferentially distanced from each other by 120 degrees (see Figs. 1 and 2).

Regarding claim 8, said feeding channel is centrally positioned (see Figs. 1 and 2).

Regarding claim 9, a movable is constituted by an upper (39) and lower (32) piston.

Regarding claim 11, elements for guiding the movable assembly are integrated therein to prevent the contact between metallic surface during motion (see Fig. 2).

5. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinney et al. (US 5,899,564). Kinney et al. (US '564) discloses a valve comprising an outer case (see Fig. 1); a homogenization mechanism contained in the outer case and having at least one homogenization device; said at least one homogenization device defining a high pressure chamber in communication with a channel (112) for feeding a fluid under high pressure to be homogenized, a low pressure chamber in communication with a channel (126) for discharging the homogenized fluid under low

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pressure; said high pressure chamber being in communication with said low pressure chamber through a port for the blow-by of said fluid (see Fig. 1); said valve wherein comprises at least two distinct homogenization devices (100) connected with a same feeding channel (112) and with a same discharge channel (126). Regarding claim 8, said feeding channel is centrally positioned (see Fig. 1).

Allowable Subject Matter

6. Claims 3-5 and 10 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS